

## PLANNING BOARD MEETING

TIPP CITY, MIAMI COUNTY, OHIO      December 8, 2009

### Meeting

Chairman Mike McFarland called the meeting of the Tipp City Planning Board to order at 7:30 p.m.

### Roll Call

Roll call showed the following Board members present: Mike McFarland, John Berbach, Mark Springer, Tina Davis, and Joseph Gibson.

Others in attendance: City Planner/Zoning Administrator Matt Spring and Board Secretary Marilyn Fennell, Greg Simmons, Dana Shoup, Felix Cooper, and John Chico.

### Approval of Minutes November 10, 2009 Meeting Items not on the Agenda

Mr. Springer **moved to approve the minutes of the November 10, 2009 meeting as presented.** Mr. Berbach seconded the motion. Motion passed 5-0.

There were no comments on items not on the agenda.

### NEW BUSINESS Deadline Dates

Mr. McFarland announced the deadline for the January 12, 2010 meeting as follows: Preliminary Plans, Final Plats and Site Plans- December 21, 2009, 5:00pm.

### Upper Room Workshop Center, 648 N. Hyatt St., IL 4059, (R-3 Zoning)-Site Plan Review

The first item of business was a request by the Upper Room Worship Center for a new church building and parking lot at 648 N. Hyatt Street. Mr. Spring said the church wishes to construct an 8,400 square foot building at this location. The proposed location is zoned R-3 Urban Residential and Planning Board granted a Special Use Permit for the church use at the October 9, 2007 meeting. Mr. Spring reviewed the site development requirements. The lot is 6.186 acres (minimum required is 1 acre), the frontage along N. Hyatt Street is 819.01 feet (minimum is 100 feet), the front yard depth is 165 feet (minimum required is 50 feet), the rear yard depth is 73 feet, and the side yard depth is 415 feet and 265 feet (minimum is 50 feet). Mr. Spring continued that the maximum building height is 35' and the building is 30'. Landscaping requirements shall be provided according to Code §154.074(J)(2)(b)(1)(a). The applicant provided a landscaping plan that indicates a 20' wide strip of green space along N. Hyatt Street. The proposed landscaping within the landscaping strip provides 6 trees (Red Sunset Maple) and 88 shrubs (Compact Inkberry). The off-street parking landscaping and around the primary structure includes a variety of trees, shrubs, and annual plants.

Mr. Spring continued with the standard and handicapped accessible parking. Code §154.078(C)(8) states that places of worship shall provide 1 space per 3 seats at maximum capacity. The sanctuary has a capacity of 298 therefore the church will be required to provide 99 off-street parking spaces. The church plan provides 107 total 10' x 20' standard off-street parking spaces, therefore exceeding the requirements. The handicapped accessible parking requirements state that uses requiring 50-99 standard parking spaces shall provide 2 handicapped accessible spaces. The facility will provide 5 handicapped

accessible parking spaces, therefore exceeding the requirements.

The applicant has provided a photometric diagram which indicates that the lot will be provided with an average of 2.28 lumens across the off-street parking area. The illumination will have a maximum of 5.40 lumens and a minimum of 0.40 lumens. The lot lighting will be provided by 4 (four) 25' tall, 450 watt single head pole lights distributed evenly within the central section of the off-street parking area. Staff noted that the level of illumination shall be low so as to present a soft and subdued appearance to the property. The beam spread of the light fixture shall be designed so that the effect on the adjacent properties shall be minimal. The beam spread shall also be designed so as not to appear as glare from the public right-of-way.

Mr. Spring said the trash collection/dumpster pad facility will be located at the northeast corner of the off-street parking area. The detail provided shows the dumpster will be screened with a 6' tall split-face concrete masonry unit (CMU) and 2-door cedar wood slat gate.

Mr. Spring stated that Fire Chief Steve Kessler has requested the placement of a 'Knox Box' on the front exterior of the building for access to entrance keys for emergency purposes.

The storm water will be routed to a detention basin at the southeast corner of the property. Storm water will be routed from the off-street parking area and downspouts via a 15" pipe. City Engineer Vagedes has approved the storm water calculations provided by the applicant. Staff noted that prior to the issuance of a Final Certificate of Occupancy by the City of Tipp City, the detention basins, it's pipes and appurtenances are to be as-built and a certification by the engineer is to be provided to City staffing stating the detention basin was constructed in accordance with the design and will operate in conformance with the City of Tipp City rules and regulations.

The public sanitary sewer extension (768') will be from the southeast corner of property running northerly to the northeast corner and is required. This same extension was run by Wind Ridge Apartments. The approved cost estimate for this sanitary sewer is \$91,700. The applicant has decided to construct part of the 8" sanitary sewer and provide a long-term surety to ensure the construction of the balance of the sanitary sewer. It is to be located within the 20' utility easement. After Planning Board approval, the applicant must 1) receive City Council approval for the required construction agreement for this gravity sanitary sewer and 2) provide permanent surety for any portion of the sanitary sewer not constructed. The applicant must also apply for a Permit to Install (PTI) for the sanitary sewer and a Notice of Intent (NOI) for the storm water plan.

Mr. Spring said staff recommended approval of the proposed site plan with the following conditions:

1. The applicant shall provide a "Knox Box" on the front exterior of the building to provide the Tipp City Fire Department with access to the facility in cases of emergency. Applicant to coordinate placement of Knox Box with TCFD Chief Steve Kessler.
2. Prior to the commencement of construction, the applicant shall

schedule and attend a pre-construction meeting with City staff to include various subcontractors and other pertinent project representatives.

3. Prior to the issuance of a Final Certificate of Occupancy by the City of Tipp City, the detention basins, its pipes, and appurtenances are to be as-built and a certification by the engineer is to be provided to the City stating the detention basin was constructed in accordance with the design and will operate in conformance with the City of Tipp City rules and regulations.
4. A separate zoning Sign permit will be required for all signage, subject to administrative approval.
5. The applicant must obtain approval of the construction agreement (including surety) from City Council prior to the issuance of a Zoning Compliance Permit for this project.
6. The applicant must obtain authorization/approval from the Planning Board for any proposed other exterior modifications to the site prior to the construction/undertaking of any such proposed modifications.

Mr. Spring said that the applicant, the pastor and the engineer for the project were available for questions. Mr. McFarland asked for questions or comments. Mr. Gibson asked how crucial the Knox Box was. Mr. Spring said it was a specific request by the Tipp City Fire Chief and related to safety. Mr. Gibson asked if it was required by code. Mr. Spring said it was not in the zoning code. Mr. Vath added that it was a requirement of the Tipp City Fire Chief. Mr. Gibson asked why it was not in the code. Mr. Vath said it was a requirement by the Fire Chief and has been included in site plan reviews before.

Mr. Berbach asked the applicant if they can abide by the requirements for this proposed building. They replied that they are aware of the requirements and agree to them.

Mr. Springer asked about the current curb cut-out on N. Hyatt Street. Mr. Spring said that is to be used as a construction entrance. Mr. John Chico of Mad River Engineering said there are two, one is further to the north with an apron and that is to be used for the construction entrance. The new one has depressed curb there and there is no approach but the sidewalk is already at the full depth. Mr. Springer asked if the parking lot was going to have curbing. Mr. Chico said there would be 6" rolled curb around the off-street parking area.

There being no further questions, Mr. Berbach **moved to accept the site plan for 648 N. Hyatt Street with the staff recommendations that:**

1. **The applicant shall provide a "Knox Box" on the front exterior of the building to provide the Tipp City Fire Department with access to the facility in cases of emergency. Applicant to coordinate placement of Knox Box with TCFD Chief Steve Kessler.**
2. **Prior to the commencement of construction, the applicant shall schedule and attend a pre-construction meeting with City staff to include various subcontractors and other pertinent project representatives.**
3. **Prior to the issuance of a Final Certificate of Occupancy by**

#### **Old Business**

Spring Hill/Gardens  
Alive Nursery, 457  
E. Evanston Rd., IL  
2632- I-1 zoning-  
Site Plan-  
Amendment to 11-  
10-09 approval

the City of Tipp City, the detention basins, its pipes, and appurtenances are to be as-built and a certification by the engineer is to be provided to the City stating the detention basin was constructed in accordance with the design and will operate in conformance with the City of Tipp City rules and regulations.

4. A separate zoning Sign permit will be required for all signage, subject to administrative approval.
5. The applicant must obtain approval of the construction agreement (including surety) from City Council prior to the issuance of a Zoning Compliance Permit for this project.
6. The applicant must obtain authorization/approval from the Planning Board for any other proposed exterior modifications to the site prior to the construction/undertaking of any such proposed modifications.

Mr. Gibson seconded the motion. Motion passed 5-0. Mr. McFarland advised the applicants to contact Mr. Vath and Mr. Spring for the next steps. Mr. Vath said they are already working on the process.

Mr. Spring explained the Planning Board approved a site plan for extension of the current building, two greenhouses and an addition to the parking area. At that meeting, Planning Board did approve two modifications to the off-street parking area, waiving the curbing and the lighting requirements for the parking area. On November 30, 2009 the applicant did submit a letter to the Planning Board requesting that the Board also waive the paving requirement for the 1939.5 sq. ft. addition to the parking lot, based on an exemption granted by the Planning Board for the initial construction back on November 18, 2003. Staff has attached a copy of the staff report, site plan, attachments, and minutes from that 11/18/03 meeting. No exemption for paved parking requirements was granted by the Planning Board at that meeting. Staff notes that the minutes do indicate that Mr. McFarland made a comment regarding the paving for an agricultural use of the property. Mr. Spring said Mr. Cooper of Springhill/Gardens Alive was present.

Mr. McFarland asked for comments or questions. Mr. Berbach said he reviewed the 2003 minutes and it appeared there was a request to not pave the parking area at that time. Mr. Spring said the site plan delineates out the existing gravel and is marked "proposed asphalt drive" which included the two 10' x 20' parking spaces. Mr. Springer said it was required to be paved and shared with the neighboring property. Mr. Cooper, director of research at Gardens Alive, came forward. He said he operates this particular site. He said the paving proposed was to accommodate the zoning. He said they felt it was excessive for what was being done at the site. It continues with the building extension proposed in November 2009. By adding the 24' of building for the machine storage and with the placement of the greenhouses, there is the need for some skids for supplies. The requirement for additional parking is a large component of the expense of this job. The whole addition is going to cost approximately \$60,000 and the paving is going to cost \$7,000-\$8,000 not including the gravel component as a substrate. He said that is pretty significant. The work at the site is agricultural in nature. The addition is where the disc, plow, and tractor are going to be parked. The parking addition due to code had to do with how many staff they would have at peak and the square

footage of the addition. Again he said it is a lot of expense for the project for the agricultural activity going on there. Mr. Cooper said he would like the Board to approve that the employees will park at the main facility and take a company vehicle over to the Evanston Road site as they did back in 2003 and leave the two parking spaces as they are.

Mr. Springer said he can appreciate Mr. Cooper's comments. He added that the Board tries to apply the code universally so that no one site is singled out. He said to him this site is a business, a for-profit business, just like Captor and as with their parking addition they were required to put in a paved parking area even though it was just for employees, not the general public. High-Tec is another lot expansion example for the parking of their trucks. Those businesses were required to put hard-surface down for their business just as this business is required to. Mr. Berbach said the Board did waive the curbing and lighting requirements. Mr. Cooper said the code was written for a purpose and would they be in violation of the code if it were not paved. Mr. McFarland said the zoning at the Springhill site is Light Industrial and under those specifications a special use permit for agriculture use was permitted but anything that is done to that lot needs to conform to the Light Industrial code. The City does not have a specific zoning for agriculture. Most cities do not have an agricultural zone. Code does allow the Planning Board to waive curbing, parking blocks, gutter, etc. to help offset the cost of a hard-surface. The Special use stays with your company but if you would sell the property it would immediately revert back to the Light Industrial. Mr. Berbach added that the Board has to look at the impact if Mr. Cooper were to quit tomorrow, his replacement may not agree to bus the employees to the site.

Mr. Springer asked Mr. Spring why the City requires a hard-surface. Mr. Spring said there are numerous reasons, including basic aesthetics, safety (flying rock, gravel), and ultimately the City has set a design standard. Making exceptions weakens the overall standard. Mr. Springer said they have dealt with numerous parking lots. To allow one site to use gravel would make it difficult to maintain the standard. Mr. Berbach said due to the public not being at this site it allowed the Board the ability to waive the curbing and lighting usually required. Mr. Cooper said he understood their comments but he said for their purposes it is not necessary. The gravel area would be on the east side of the building. Mr. Springer said again to him it is still a business and what is the difference whether a plow or a box-truck is being parked. Mr. Cooper said the State looks at agriculture differently, making them exempt from building codes, etc. They want to provide a surface that they can drive their equipment onto at the east end of the building. The company that he works for looks at it as the parcel of land and when the research activities began they knew they had this parcel, rather than acquire another rural piece of land, and use this for those activities. Now when he wants to expand the research side, the costs mount up and it is a problem for him personally as far as how he deals with the administration of Gardens Alive. He said the conversations lead to "why don't we move out." Mr. Cooper proposed that an exception be granted and if the property is ever transferred to another party, then this particular portion would be paved.

Mr. Springer asked if there was a deed restriction on the

property. Mr. Spring said it had to do with the improvements on Evanston Road which have already been completed. Mr. Spring said he thought the Board had heard from Mr. Cooper but one thing he wished to reiterate. The parking lot is specifically for parking and the code requires that they provide a minimum of four spaces and they have four employees that need to have some sort of place to park their vehicles. There are regularly 2-4 cars at the site. During times of snow and ice the paved parking area is certainly more desirable for snow/ice removal rather than gravel. Mr. Cooper asked if his proposal of bussing the employees to the site from Elm Street takes care of that. Mr. Spring said with all due respect, the main facility on Elm Street is so under code with unpaved parking areas. Mr. Springer said the Board has been dealing with the Lee parking lot for five years, establishing a paved off-street parking lot. He said that City Council may need to look at agriculture zoning, even though there is not much of that use within the city. Mr. Spring said the City does have a CD (Conservation District) zoning district.

Mr. Gibson said Mr. Cooper's letter was addressed to the City Manager's office on November 30<sup>th</sup>. There was a follow-up letter and he suggested that there be a request to the Planning Board for a modification of the site. Mr. Gibson asked if he wanted a continuation of the gravel around the buildings. Mr. Cooper said there were two considerations; 1) asking to park at the main facility and take a company vehicle to this site- only requiring two parking spaces, 2) the gravel on the east side of the building, not to be paved.

Mr. McFarland said that Code mitigates that the addition put on the building determines the number of spaces needed. Mr. Spring said the requirement of spaces is based upon the square footage of the building and the number of employees on the largest work shift. Each use has its own formula for off-street parking requirements. Mr. Gibson said he did not have a problem with the request and that he wished to be friendly to the local businesses. Mr. McFarland asked for further comments or a motion.

Mr. Springer stated when Mr. Gibson said to be friendly with the business community, at what costs because if we are going to look at the code and say it's nice and we will apply it whenever we feel like it. We might as well push the code book aside and look at each case by case and wing it as we go. Whether we like the standards or not and it doesn't matter if we are talking, fence code or sign code and the code is what this Board is supposed to uphold, not try to legislate "from the bench". Mr. Springer told Mr. Cooper that he understood his comments and that he was trying to think of creative ways. Parking lots are something that the Board deals with all the time and if precedent gets set the Board will be dealing with it again soon. He suggested that they might look at rezoning it to CD. Mr. McFarland said a number of years ago Council gave the Board the ability to waive the curbing and lighting requirements when warranted. Hard surface was not something they gave the Board the ability to waiver. Mr. McFarland said he understood Mr. Cooper's points. If this matter is defeated, then the applicant has the opportunity to go to the Board of Zoning Appeals to appeal the decision and then onto City Council if necessary to seek a variance.

Mr. McFarland asked if Mr. Vath had anything to express on the

matter. Mr. Vath said it was a matter for the Board to consider and he felt Mr. Spring had given the code requirements that are in place. Mr. Gibson mentioned that Mr. Crusey, Gardens Alive, and he, Mr. Vath, had sat down and had a 1 ½-2 hour discussion on a variety of issues. One of the options was for Mr. Cooper to come back to Planning Board and make his request.

Mr. Gibson said he did wish to acknowledge that the Board needs to stick with the code but this Board is authorized to make variances and modifications as appropriate. He said he didn't see where a neighbor would complain or if we are going to hear from someone next week wanting an exception for their lot. Several of the Board members disagreed with that statement. He said he would approve the request. Ms. Davis wondered if it was set in stone,

Mr. Spring said that it has to be paved with hard surface, asphalt or concrete. Mr. Cooper asked what the purpose of having a hard-surface was. Mr. Spring said the code is made of many rules that the reasons for their purpose are not given. If you go back 50 years, you might find some discussion on the matter in old minutes. Ultimately it is part of the code. He referred to Code §154.074(l)(3)(b), "except for temporary parking permitted by the Planning Board, all open off-street parking areas shall be graded, and provided with a hard-surface of bituminous or Portland cement concrete." Mr. Springer asked for an example of a temporary parking area. Mr. Spring referred to the parking for the Home-A-Ramas, part of a temporary use for that event. The gravel used was removed at the end of the temporary use.

Mr. McFarland mentioned the appeal process again. Ms. Davis asked what type of paving was pictured on the screen and what was it used for. Mr. Spring said it was asphalt and it was the parking lot with the original building. She asked if had to be paved over where they want to park. Mr. Spring said they designed their area to accommodate the required four spaces. There were no further questions or comments.

Mr. Gibson **moved to grant the modification to the site plan** as requested. Ms. Davis seconded the motion. Mr. Vath asked for clarification if the motion was to waive the asphalt paving and the additional two spaces. Mr. Gibson said that was correct. Ayes: 2- Gibson and Davis Nays: Springer, McFarland, and Berbach Motion was denied.

Mr. McFarland informed Mr. Cooper the motion was defeated and if he wished to do so, an appeal could be addressed to staff. Mr. Spring said the next Board of Zoning Appeals meeting is approximately January 17<sup>th</sup> (20th) and the letter must be received in the next 10 days.

**Miscellaneous**  
City Council  
Reports:  
November 16,  
2009- Mr. Berbach

Mr. Berbach said he deferred to Mr. Gibson who was in attendance at the November 16<sup>th</sup> meeting. A pre-meeting session was held regarding a nuisance issue. At the meeting the Capital Improvement Plan for 2010-2014 was adopted 4-3 vote. There was also a motion to accept the value of the property donation for the Kinna Drive right-of-way.

November 23,

Mr. McFarland and Mr. Gibson both attended the Operating

2009-Oper. Budget  
Wrkshop- Mr.  
McFarland/Gibson

Budget Workshop held by City Council on November 23<sup>rd</sup>. The Department heads were to look at further cuts in expenses so that two road projects could be completed as the water department is going to be replacing lines next year in two streets. Mr. Gibson commended Mr. Vath and the other department heads on the work they had done in reducing operating costs.

December 7, 2009-  
Mr. Gibson

Mr. Gibson reported at the December 7<sup>th</sup> meeting City Council had a study session looking at proposals to cut \$200,000 and \$300,000 from the operating budget. They included in reduction in staff, salary, cutting the fireworks, cutting the overtime for snow-plowing, staff realignments. Council feels they can reach the number needed to do the road projects with some staff realignments, and other items. The final decision will be made at the December 21, 2009 meeting. Council did pass an ordinance to purchase 117.7 acres in the unincorporated Monroe Township with grants, donation monies and \$25,000 from the City. A first reading was made on accepting the 2010 annual budget and an ordinance to make appropriations for the 2010 fiscal budget year.

Mr. McFarland said he is relinquishing his chairmanship in January. Mr. Gibson will be moving onto City Council after serving one year on the Planning Board. He expressed gratitude to Mr. Vath, Mr. Springer and Mrs. Fennell for their service to the Board. He said he would attend the December 21 Council meeting and wished all a happy holiday and prosperous new year.

Board member  
comments

Mr. Springer said he spoke to Mr. Cooper regarding the letter addressed to the Board from Springhill last month. He said that some of the feedback was that agricultural is not called out in the code. Mr. Springer asked about the delays and if the applicant wants to present an application that is not complete. Mr. Spring said that he recommends a complete application be presented to the Board. It would be difficult for the Board to rule on an incomplete application. Mr. Spring said on the Springhill case, a copy of the site plan from 2003 was brought in and the buildings were drawn in with a pencil. After he looked at that, there was the parking requirement and that lead to an additional impermeable area and that leads to the need for a storm water plan and that is a State requirement. Normally Mr. Spring said he sits down with a multi-page checklist and goes thru the application. Mr. Spring said he works with the code which is the law for the zoning requirements. Mr. Vath mentioned a former Planning Board chairman that basically made an edict to not bring incomplete applications. Mr. Berbach added that the Board has had special meetings if necessary to accommodate applicants. Mr. Springer wished Mr. Gibson the best on his Council duties.

Ms. Davis had concerns about her questions about the Springhill request. Mr. Vath said Springhill has had 5 applications in the last 5 years and is familiar with process. Mr. Springer said the Board has the obligation to remain consistent and not open itself up to liability. Ms. Davis wished everyone a Happy New Year.

Mr. Gibson read his resignation letter from the Planning Board.

## Adjournment

Mr. Gibson **moved that the meeting be adjourned.** Mr.



McFarland seconded the motion. Chairman McFarland declared the meeting adjourned at 8:58pm.

\_\_\_\_\_  
Michael McFarland, Planning Board Chairman

Attest: \_\_\_\_\_  
Marilyn Fennell, Board Secretary